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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MELVIN JOSEPH SIMMONS,

12 Plaintiff,

13 v.

14 BRIAN CATES, et al.,

15 Defendants.
16

Case No. 1:23-cv-0793 JLT EPG

ORDER DISMISSING THE ACTION
WITHOUT PREJUDICE FOR FAILURE TO
PAY THE FILING FEE

(Doc. 8)

17 Previously this Court determined that Plaintiff is subject to the three-strikes bar imposed
18 by 28 U.S.C. § 1915(g) and the allegations in the complaint—which concern the infringement of
19 intellectual property rights—did not satisfy the “imminent danger of serious physical injury”
20 exception to § 1915(g). (Doc. 6.)

21 On June 27, 2023, the Court denied Plaintiff’s application to proceed in forma pauperis
22 pursuant to 28 U.S.C. § 1915(g) and ordered Plaintiff to pay the filing fee in full within 30 days.
23 (Doc. 8.) Plaintiff was also informed the “failure to pay the required filing fee as ordered will
24 result in the dismissal of this action without prejudice.” (*Id.* at 2, emphasis in original.) Despite
25 this warning, Plaintiff failed to pay the filing fee, and the time to do so has expired. Accordingly,
26 the action cannot proceed before the Court at this time.

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Based upon the foregoing, the Court **ORDERS**:

1. This action is **DISMISSED** without prejudice for Plaintiff's failure to pay the filing fee.
2. Plaintiff's motion to consolidate (Doc. 9) is terminated as **MOOT**.
3. The Clerk of Court is directed close this case.

IT IS SO ORDERED.

Dated: **August 20, 2023**


UNITED STATES DISTRICT JUDGE